

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CARL ODELL VARNER, JR.,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:20CV579-HEH
)	
NURSE SUPERVISOR HENRY, <i>et al.</i> ,)	
)	
Defendants.)	

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

By Memorandum Order entered on September 28, 2020 the Court directed Plaintiff to complete and return an *in forma pauperis* affidavit. Because it was unclear whether the Clerk had sent Plaintiff the *in forma pauperis* affidavit to Plaintiff, by Memorandum Order entered on December 16, 2020, the Court sent Plaintiff the *in forma pauperis* affidavit and directed him to complete and return the same to the Court within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the December 16, 2020 Memorandum Order and Plaintiff has not submitted the *in forma pauperis* affidavit. Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: January 11, 2021
Richmond, Virginia